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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Tony Gary Grabowski

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05/12/2004

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EXAMINER

COLETTA, LORI L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/065,743	Applicant(s) GRABOWSKI ET AL.	
	Examiner Lori L. Coletta	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7-11, 13-16, 18-23 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 and 29-31 is/are allowed.
- 6) ☒ Claim(s) 2-4, 7, 9-11, 13-15, 18, 20-22 and 32-36 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-5, 7-11, 13-16, 18-22 are objected to because of the following informalities:

Regarding claim 2, "said combined housing/support structure" (line 14) needs to be changed to --said combined housing/support structure--.

See same deficiency in claims 5 (line 12), 8 (line 12), 10 (line 12), 11 (line 12), 13 (line 15), 16 (line 13), 19 (line 13), 21 (line 13), 22 (line 14).

Claim 22 recites the limitation " said electrical energy storage device" in line 14.

There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2-4, 7, 9-11, 13-15, 18, 20-22 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kronner et al. 2004/0016580.

Regarding claim 2, Kronner et al. '580 discloses an assembly for housing an electrical energy storage device (10) of a vehicle electrical system, comprising a support structure (34) disposed within a passenger compartment of the vehicle for supporting the electrical energy storage device (10); a combined housing/console structure (20, 22 and 26) for concealing, at least

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partially, said support structure (34) and the electrical energy storage device (10), said combined housing/console structure comprising at least one ventilation opening (32) for venting heat generated by said electrical energy storage device; and a housing cover (30), having at least one console feature (32), removably attached to said combined housing/console structure (20, 22 and 26) for allowing access to said electrical energy storage device (10) without detachment or disengagement of said support structure from the vehicle in Figures 1 and 2.

Regarding claim 3, Kronner et al. '580 discloses the assembly, wherein said combined housing/console structure comprises at least one console feature (32) in Figures 1 and 2.

Regarding claim 4, Kronner et al. '580 discloses the assembly, wherein said housing cover (30) comprises at least one ventilation opening (32) in Figures 1 and 2.

Regarding claim 7, Kronner et al. '580 discloses the assembly, wherein said housing cover (30) is completely detachable from said housing /console structure (20, 22 and 26) in Figure 2.

Regarding claim 9, Kronner et al. '580 discloses the assembly, further comprising means for affixing said housing cover (30) to said combined housing/console structure (20, 22 and 26) in Figures 1 and 2.

Regarding claim 10, Kronner et al. '580 discloses an assembly for housing an electrical storage device (10) of a vehicle electrical system, comprising a support structure (34) disposed within a passenger compartment of the vehicle for supporting the electrical energy storage device; a combined housing/console (20, 22 and 26) for concealing, at least partially, said support structure (34) and the electrical energy storage device (10); and a housing cover (30), having at least one console feature (32), attached to said combined housing/console structure for

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allowing access to said electrical energy storage device without detachment or disengagement of said support structure from the vehicle; and accessory support means (32) attached to said housing/console structure in Figures 1 and 2.

Regarding claim 11, Kronner et al. '580 discloses an assembly for housing an electrical energy storage device (10) of a vehicle electrical system, comprising a support structure (34) disposed within a passenger compartment of the vehicle for supporting the electrical energy storage device (10); a combined housing/console structure (20, 22 and 26) for concealing, at least partially, said support structure (34) and the electrical energy storage device (10); and a housing cover (30), having at least one console feature (32), attached to the combined housing/console structure (20, 22 and 26) for allowing access to said electrical energy storage device (10) without detachment or disengagement of said support structure from the vehicle; and accessory support (32) means attached to said housing cover in Figures 1 and 2.

Regarding claim 13, Kronner et al. '580 discloses a battery housing assembly for an electrically-powered vehicle, comprising a battery support structure (34) disposed within a passenger compartment of the vehicle; at least one battery unit (10) mounted on said battery support structure (34), said battery unit being used at least in part as a source of power to propel the vehicle; a combined battery housing/console structure (20, 22 and 26) for concealing, at least partially, said battery support structure (34) and said battery unit (10), said combined battery housing/console structure at least one ventilation opening (32) for venting heat generated by said battery unit; and a housing cover (30), having at least one console feature (32), removably attached to said combined housing/console support for allowing access to said battery unit (10)

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without detachment or disengagement of said support structure (34) from the vehicle in Figures 1 and 2.

Regarding claim 14, Kronner et al. '580 discloses the battery housing assembly, wherein said combined battery housing/console structure (20, 22 and 26) comprises at least one console feature (32) in Figures 1 and 2.

Regarding claim 15, Kronner et al. '580 discloses the battery housing assembly, wherein said housing cover (32) comprises at least one ventilation opening (32) in Figures 1 and 2.

Regarding claim 18, Kronner et al. '580 discloses the battery housing assembly, wherein said housing cover (30) is detachable from said combined battery housing/console structure (20, 22 and 26) in Figures 1 and 2.

Regarding claim 20, Kronner et al. '580 discloses the battery housing assembly, further comprising means for affixing said housing cover (30) to said combined housing/console structure (20, 22 and 26) in Figures 1 and 2.

Regarding claim 21, Kronner et al. '580 discloses a battery housing assembly for an electrically-powered vehicle, comprising a battery support structure (34) disposed within a passenger compartment of an automobile; at least one battery unit (10) mounted on said battery support structure, said battery unit being used at least in part as a source of power to propel the vehicle; a combined battery housing/console structure (20, 22 and 26) for concealing, at least partially, said battery support structure and said battery unit; a housing cover (30), having at least one console feature (32), removably attached to said combined housing/console structure for allowing access to said battery unit without detachment or disengagement of said support

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structure from vehicle; and accessory support means (32) attached to said housing/console structure in Figures 1 and 2.

Regarding claim 22, Kronner et al. '580 discloses a battery housing assembly for an electrically-powered vehicle, comprising a battery support structure (34) disposed within a passenger compartment of an automobile; at least one battery unit (10) mounted on said battery support structure, said battery unit being used at least in part as a source of power to propel the vehicle; a combined battery housing/console structure for concealing, at least partially, said battery support structure and said battery unit; a housing cover (30), having at least one console feature (32), removably attached to said combined housing/console structure for allowing access to said electrical energy storage device without detachment or disengagement of said support structure; and accessory support means (32) attached to said housing cover.

Regarding claim 32, Kronner et al. '580 discloses an assembly for housing an electrical energy storage device (10) within a vehicle, comprising a support structure (34) disposed within a passenger compartment of the vehicle for supporting the electrical energy storage device; a combined housing/console structure (20, 22 and 26) for concealing, at least partially, said support structure and the electrical energy storage device; and a housing cover (30), having at least one console feature (32), removably attached to said combined housing/support structure, for allowing access to said electrical energy storage device without detachment or disengagement of said support structure from the vehicle in Figures 1 and 2.

Regarding claim 33, Kronner et al. '580 discloses the assembly, wherein said combined housing/console structure (20, 22 and 26) comprises at least one console feature (32) in Figure 2.

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Regarding claim 34, Kronner et al. '580 discloses the assembly, wherein said combined housing/console structure (20, 22 and 26) comprises at least one ventilation opening (32) for venting heat generated by the electrical energy storage device (10) in Figures 1 and 2.

Regarding claim 35, Kronner et al. '580 discloses the assembly, wherein said housing cover (30) comprises at least one ventilation opening (32) in Figures 1 and 2.

Regarding claim 36, Kronner et al. '580 discloses the assembly, wherein said housing cover (30) is completely detachable from said housing/console structure (20, 22 and 26) in Figures 1 and 2.

Allowable Subject Matter

4. Claims 23 and 29-31 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

The recitations of the specific features of the battery housing assembly in claims 5 and 16 including especially the construction of the housing cover comprises a storage compartment is not taught nor is fairly suggested by the prior art of record.

The recitations of the specific features of the battery housing assembly in claims 8 and 19 including especially the construction of the housing cover is fixedly attached to and in cooperation with said housing/console structure on one side such that said housing cover can be lifted and swung off said housing/console structure to form an accessory support structure is not taught nor is fairly suggested by the prior art of record.

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The recitations of the specific features of the automobile having dual battery systems in claim 23 including especially the construction of the battery support structure being disposed between seats inside the passenger compartment is not taught nor is fairly suggested by the prior art of record.

Response to Arguments

6. Applicant's arguments with respect to claims 2-4, 9-11, 13-15 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta
May 5, 2004

Lori L. Coletta
Examiner
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